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ESA STORMWATER ORDINANCE

SECTION 1. Ordinance 9163, Section 2, as amended, and K.C.C. 9.04.020 are each hereby amended to read as follows:

9.04.020 Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

A. "Adjustment" means a department approved variation in the application of the requirements of K.C.C. 9.04.050 and the Surface Water Design Manual to a particular project in accordance with K.C.C. 9.04.050C. The term adjustment replaces "variance" which had been used in prior editions of the Surface Water Design Manual.

B. "Applicant" means a property owner or a public agency or public or private utility which owns a right-of-way or other easement or has been adjudicated the right to such an easement pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.

C. "Basin" means a drainage area which drains either to the Cedar, Green, Snoqualmie, Skykomish or White rivers, or the drainage areas which drain directly to Puget Sound.

D. "Basin Plan" means a plan and all implementing regulations and procedures including, but not limited to, capital projects, public education activities and land use management adopted by ordinance for managing surface and storm water management facilities and features within individual subbasins.

E. "Closed depression" means an area which is low-lying and either has no, or such a limited, surface water outlet that during storm events the area acts as a retention basin, with more than five thousand square feet at overflow elevation.

F. "Construct or modify" means to install a new drainage pipe or ditch or make improvements to an existing drainage pipe or ditch (other than routine maintenance, repair or emergency modifications, excluding driveway culverts installed as part of single-family residential building permits) that either serves to concentrate previously unconcentrated surface and storm water runoff, or serves to increase, decrease and/or redirect the conveyance of surface and storm water runoff.

G. "Conveyance system" means the drainage facilities and features, both natural and constructed, which collect, contain and provide for the flow of surface and storm water from the highest points on the land down to a receiving water. The natural elements of the conveyance system include swales and small drainage courses, streams, rivers, lakes and wetlands. The constructed elements of the conveyance system include gutters, ditches, pipes, channels and most flow control and water quality treatment facilities.

H. "Department" means the department of natural resources and parks or its successor organization.

I. "Development" means any activity that requires a permit or approval, including, but not limited to, a building permit, grading permit, shoreline substantial development permit, conditional use permit, special use permit, zoning variance or reclassification, subdivision, short subdivision, urban planned development, binding site plan, site development permit or right-of-way use permit.

J. "Director" means the director of the department of natural resources and parks, or any duly authorized representative of such director.

K. "Drainage" means the collection, conveyance, containment and/or discharge of surface and storm water runoff.

L. "Drainage facility" means a constructed or engineered feature that collects, conveys, stores or treats surface and storm water runoff. Drainage facilities shall include, but not be limited to, constructed or engineered streams, pipelines, channels, ditches, gutters, lakes, wetlands, closed depressions, flow control or water quality treatment facilities, erosion and sediment control facilities and other structures and appurtenances that provide for drainage.

M. "Drainage review" means an evaluation by King County staff of a proposed project's compliance with the drainage requirements in the Surface Water Design Manual.

N. "Erosion and sediment control" means any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation and ensure that sediment-laden water does not leave the site.

O. "Financial guarantee" means a form or financial security posted to ensure timely and proper completion of improvements, to ensure compliance with the King County Code, and/or to warranty materials, workmanship of improvements and design. Financial guarantees include assignments of funds, cash deposit, surety bonds and/or other forms of financial security acceptable to the director of the department of development and environmental services. For the purposes of this chapter, the terms performance guarantee,

maintenance guarantee and defect guarantee are considered sub-categories of financial guarantee.

P. "Flow control BMP" means a method or design for dispersing, infiltrating, or otherwise reducing or preventing development-related increases in surface and storm water runoff at or near the sources of those increases. Flow control BMPs include, but are not limited to, the following methods and designs applied as specified in the Surface Water Design Manual: preservation and use of native vegetated surfaces to fully disperse runoff; use of other pervious surfaces to disperse runoff; roof downspout infiltration; pervious pavements; rainwater harvesting; vegetated roofs; and reduction of development footprint.

Q. "Flow control facility" means a drainage facility designed to mitigate the impacts of increased surface and storm water runoff generated by site development pursuant to the drainage requirements in this chapter. Flow control facilities are designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration and/or infiltration into the ground or to hold runoff for a short period of time and then release it to the conveyance system.

((~~Q~~)) R. "Full drainage review" means the basic evaluation required by K.C.C. 9.04.030 for any proposed project that:

1. ((~~Adds five~~)) Would result in two thousand square feet or more of new impervious surface;

2. ((~~Is located in a landslide hazard drainage area as mapped in the Surface Water Design Manual and adds two thousand square feet or more of new impervious surface~~)) Would result in thirty-five thousand square feet or more of new pervious surface; ((~~or~~))

3. Is a redevelopment project ((~~proposing five hundred thousand dollars or more of site improvements which creates five thousand square feet or more of contiguous pollutant-generating impervious surface through any combination of new and/or replaced impervious surface~~)) that is not a transportation redevelopment project in which the total of new plus replaced impervious surface is five thousand square feet or more and whose valuation of proposed improvements including interior improvements exceeds fifty percent of the assessed value of the existing site improvements; or

4. Is a transportation redevelopment project in which new impervious surface is five thousand square feet or more and totals fifty percent or more of the existing impervious surface within the project limits.

((~~R~~)) S. "High-use site" means a commercial, industrial or road intersection site that generates a higher than average number of vehicle turnovers or has other characteristics that generate the potential for chronic oil accumulation. High use sites include:

1. Commercial or industrial sites subject to:

a. an expected daily traffic count greater than one hundred vehicles per one thousand square feet of gross building area;

b. petroleum storage or transfer in excess of one thousand gallons per year, not including routine fuel oil storage or transfer; or

c. use, storage or maintenance of a fleet of twenty-five or more diesel vehicles each weighing over ten tons; or

2. Road intersections with average daily traffic counts of twenty-five thousand vehicles or more on the main roadway and fifteen thousand or more vehicles on any intersecting roadway (excluding pedestrian or bicycle use improvement projects).

((~~S~~)) T. "Hydraulically connected" means connected through surface flow or water features such as wetlands or lakes.

((~~T~~)) U. "Impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas which are paved, graveled or made of packed or oiled earthen materials or other surfaces which similarly impede the natural infiltration of surface and storm water. Open uncovered flow control or water quality treatment facilities shall not be considered as impervious surfaces.

((~~U~~)) V. "Improvement" means streets (with or without curbs or gutters), sidewalks, crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities, street trees and other appropriate items.

W. “Land disturbing activity” means any activity that results in a change in the existing soil cover, both vegetative and nonvegetative, or the existing soil topography. Land disturbing activities include, but are not limited to, demolition, construction, clearing, grading, filling, excavation and compaction.

((~~V.~~)) X "Lake management plan" means a plan describing the lake management recommendations and requirements adopted by public rule for managing water quality within individual lake basins.

((~~W.~~)) Y "Large site drainage review" means the evaluation required by K.C.C. 9.04.030 for any proposed project that:

1. Has an urban plan development ((UPD), as defined in K.C.C. 21A.06.1340) land use designation in the King County Comprehensive Plan land use map;

2. Would, at full buildout of the project site, result in fifty acres or more of new impervious surface within a drainage subbasin or a number of subbasins hydraulically connected across subbasin boundaries; or

3. Is on a site of fifty acres or more within the recharge area of a sole-source aquifer designated by the federal Environmental Protection Agency and depicted as such on the areas highly susceptible to groundwater contamination map adopted as part of the King County Comprehensive Plan.

((~~X.~~)) Z. "Licensed civil engineer" means a person registered with the State of Washington as a professional engineer in civil engineering.

((~~Y.~~)) AA. "Master drainage plan" means a comprehensive drainage control plan intended to prevent significant adverse impacts to the natural and constructed drainage system, both on- and off-site.

BB. "Native vegetated surface" means a surface in which the soil conditions, ground cover, and species of vegetation are like those of the original native condition for the site. More specifically, this means (1) the soil is either undisturbed or has been treated

according to the native vegetated landscape specifications in the Surface Water Design Manual (SWDM), (2) the ground is either naturally covered with vegetation litter or has been top-dressed with 6 inches of hog fuel consistent with the native vegetated landscape specifications in the SWDM, and (3) the vegetation is either (a) comprised predominantly of plant species, other than noxious weeds, which are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site, or (b) comprised of plant species as specified for a native vegetated landscape in the SWDM. Examples of plant species include: trees, such as Douglas fir, western hemlock, western red cedar, alder, big-leaf maple and vine maple; shrubs, such as willow, elderberry, salmonberry and salal; and herbaceous plants, such as sword fern, foam flower, and fireweed.

CC. "New impervious surface" means the creation of impervious surface. "New impervious surface" includes impervious surface created after January 8, 2001, unless the new impervious surface was mitigated to, or was below the thresholds of, the flow control standards in effect at the time a complete application to construct the impervious surface was filed with the department of development and environmental services if a permit to created the new impervious surface was required.

DD. "New pervious surface" means the conversion of a native vegetated surface to a pasture, lawn, landscaped or bare soil surface, or the conversion of pasture or meadow to a lawn, landscaped or bare soil surface. "New pervious surface" includes pervious surface created after January 8, 2001, unless that pervious surface was mitigated to, or was below the thresholds of, the flow control standards in effect at the time a complete application to

construct the pervious surface was filed with the department of development and environmental services.

((~~Z.~~)) EE "Pollution-generating impervious surface" means an impervious surface considered to be a significant source of pollutants in surface and storm water runoff. Such surfaces include those subject to vehicular use or storage of erodible or leachable materials, wastes or chemicals and which receive direct rainfall or the run-on or blow-in of rainfall. Thus, a covered parking area would be included if runoff from uphill could regularly run through it or if rainfall could regularly blow in and wet the pavement surface. Metal roofs are also considered pollution-generating impervious surface unless they are treated to prevent leaching.

((~~AA.~~)) FF. "Pollution-generating pervious surface" means a nonimpervious surface ((~~with vegetative ground cover~~)) subject to use of pesticides and fertilizers or loss of soil. Such surfaces include, but are not limited to, the lawn and landscaped areas of residential or commercial sites, golf courses, parks, ((~~and~~)) sports fields and county-standard grassed modular grid pavement.

((~~BB.~~)) GG "Preapplication" means either the meeting or meetings or form or forms, or both, used by applicants for some development permits to present initial project intentions to the department of development and environmental services or its successor agency. Preapplication does not mean application.

((~~CC.~~)) HH. "Project" means any proposed action to alter or develop a site which may also require drainage review.

((~~DD.~~)) II. "Project site" means the portion of a site subject to proposed project activities, alterations and improvements including those required by this chapter.

((~~EE.~~)) JJ. "Redevelopment project" means a project that proposes to add, replace ((~~and/or alter~~)) or modify impervious or pervious surface for purposes other than a residential subdivision or routine maintenance, resurfacing, regrading, or repair on a site that:

1. is already substantially developed as currently zoned or designated or as a legal non-conforming use, (for example, a residential-zoned parcel that contains an existing residence or other allowed structure or uses); or

2. has an existing impervious surface coverage of ((~~(~~)) thirty-five percent or more((~~ existing impervious surface coverage)~~)).

KK. "Replaced impervious surface" means an existing impervious surface proposed to be removed and re-established as impervious surface, excluding impervious surface removed for the sole purpose of installing utilities or performing maintenance. For purposes of this definition, "removed" means the removal of buildings down to bare soil or the removal of Portland cement concrete slabs or pavement or asphaltic concrete pavement together with any asphalt treated base.

((~~FF.~~)) LL. "Runoff" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water.

((~~GG.~~)) MM. "Shared facility" means a drainage facility designed to meet one or more of the requirements of K.C.C. 9.04.050 for two or more separate projects contained

within a basin as defined in K.C.C. 9.04.020. Shared facilities usually include shared financial commitments for those drainage facilities.

((~~HH.~~)) NN. "Small site drainage review" means a simplified alternative to full drainage review required by K.C.C. 9.04.030 allowed for proposed single-family residential projects that add ten thousand square feet or less of new impervious surface.

((~~II.~~)) OO. "Site" means the legal boundaries of the parcel or parcels of land for which an applicant has or should have applied for authority from King County to carry out a development activity including any drainage improvements required by this chapter.

((~~JJ.~~)) PP. "Subbasin" means a drainage area which drains to a water course or water body named and noted on common maps and which is contained within a basin as defined in K.C.C. 9.04.020.

((~~KK.~~)) QQ. "Surface and storm water" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water.

((~~LL.~~)) RR. "Surface Water Design Manual" means the manual (and supporting documents as appropriate) describing surface and storm water design and analysis requirements, procedures and guidance which has been formally adopted by rule under the procedures specified in K.C.C. chapter 2.98. The Surface Water Design Manual is available from the department of development and environmental services or the department of natural resources and parks, water and land resources division or their successor agencies.

((~~MM.~~)) SS. "Targeted drainage review" means an abbreviated evaluation required by K.C.C. 9.04.030 for certain types of proposed projects which are not subject to full or

large site drainage review. Targeted drainage review may be required for some projects in small site drainage review.

TT. "Transportation redevelopment project" means a redevelopment project that makes improvements, excluding maintenance, only to or for existing roads within public or private road rights-of-way.

((~~NN.~~)) UU. "Water quality treatment facility" means a drainage facility designed to reduce pollutants once they are already contained in surface and storm water runoff. Water quality treatment facilities are the structural component of best management practices (BMPs). When used singly or in combination, water quality facilities reduce the potential for contamination of surface and/or ground waters. (Ord. 14199 § 128, 2001: Ord. 13191 § 1, 1998: Ord. 12196 § 1, 1996: Ord. 12020 § 37, 1995: Ord. 11700 § 1, 1995: Ord. 11615 § 2, 1994: Ord. 9163 § 2, 1989).

SECTION 2. Ordinance 9163, Section 3, as amended, and K.C.C. 9.04.030 are each hereby amended to read as follows:

Drainage review. A. When required. A drainage review is required when any proposed project is subject to a King County development permit or approval and:

1. Would ((~~add five~~)) result in two thousand square feet or more of new impervious surface;

2. Is in the RA Zone and would result in five hundred square feet of new impervious surface;

3. Would involve seven thousand square feet or more of land disturbing activity;

((~~2.~~)) 4. Would construct or modify a drainage pipe/ditch that is twelve inches or more in size or depth or receives surface and storm water runoff from a drainage pipe/ditch that is twelve inches or more in size or depth;

((~~3.~~)) 5. Contains or ((~~be~~)) is adjacent to a floodplain, stream, lake, wetland or closed depression, or a ((~~sensitive~~)) critical area as defined in K.C.C. chapter 21A.24, excluding seismic, coal mine((~~s~~)) and volcanic hazard areas.

((~~5.~~)) 6. Is located within a critical drainage area;

((~~6. Is located within a rural zoned area subject to area clearing limits under K.C.C. 16.82.150C and would clear more than seven thousand square feet or thirty-five percent of the site, whichever is greater;~~))

7. Is a redevelopment project proposing one hundred thousand dollars or more of improvements to an existing high-use site; ((~~or~~))

8. Is a redevelopment project ((~~proposing five hundred thousand dollars or more of site improvements and would create five thousand square feet or more of contiguous pollution-generating impervious surface through any combination of new and/or replaced impervious surface~~)) that is not a transportation redevelopment project, in which the total of new plus replaced impervious surface is five thousand square feet or more and whose valuation of proposed improvements (including interior improvements and excluding required mitigation improvements) exceeds fifty percent of the assessed value of the existing site improvements; or

9. Is a transportation redevelopment project in which new impervious surface is five thousand square feet or more and totals fifty percent or more of the existing impervious surface within the project limits.

B. Type of drainage review. The drainage review for any proposed project shall be targeted to the scope of the project's size, type of development and potential for impacts to the regional surface water system to facilitate preparation and review of project applications. If drainage review for a proposed project is required by K.C.C. 9.04.030A, the department of development and environmental services shall determine which of the following drainage reviews apply as specified in the Surface Water Design Manual:

1. Small site drainage review;

2. Targeted drainage review;

3. Full drainage review; or

4. Large site drainage review.

(Ord. 13191 § 2, 1998: Ord. 11615 § 4, 1994: Ord. 11016 § 13, 1993: Ord. 9163 § 3, 1989)

SECTION 3. Ordinance 2281, Section 5, as amended, and K.C.C. 9.04.050 are each hereby amended to read as follows:

Drainage review - requirements. A. Core requirements. Every permit or approval application with drainage review required by K.C.C. 9.04.030 must meet each of the following core requirements which are described in detail in the Surface Water Design Manual.

1. Core requirement #1: Discharge at the natural location. All surface and storm water runoff from a project shall be discharged at the natural location so as not to be

diverted onto, or away from, downstream properties. The manner in which runoff is discharged from the project site shall not create a significant adverse impact to downhill properties or drainage systems as specified in the discharge requirements of the Surface Water Design Manual.

2. Core requirement #2: Offsite analysis. The initial application submittal for proposed projects shall include an offsite analysis report that assesses potential offsite drainage impacts associated with development of the proposed site and proposes appropriate mitigations to those impacts. This initial submittal shall include, at minimum, a Level One downstream analysis as described in the Surface Water Design Manual. If impacts are identified, the proposed projects shall meet any applicable problem-specific requirements as specified in the Surface Water Design Manual.

3. Core Requirement #3: Flow control. Proposed projects shall provide flow control facilities or flow control BMPs, or both, to ((~~mitigate~~)) control ((~~the increased~~)) surface and storm water runoff generated by ((~~the addition of five~~)) two thousand square feet or more of new impervious surface((~~ and any related land-cover conversion~~)), a total of thirty-five thousand square feet or more of new impervious and new pervious surface, or five thousand square feet or more of new or replaced impervious surface on a redevelopment project as specified in the Surface Water Design Manual. ((~~These f~~)) Flow control facilities shall meet the area-specific flow control facility requirements and the flow control facility implementation requirements applicable to the project site as specified in the Surface Water Design Manual. Flow control BMPs shall be applied as specified in the Surface Water Design Manual. Projects subject to area-specific flow control facility

requirements shall meet one of the flow control facility performance criteria listed below, as directed by the Surface Water Design Manual:

a. Level One: match the predeveloped site's peak discharge rates for the two-year and ten-year return periods;

b. Level Two: meet Level One criteria and also match the predeveloped site's discharge durations for the predeveloped peak discharge rates between the fifty percent of the two-year peak flow through the fifty-year peak flow; or

c. Level Three: meet Level Two criteria and also match the predeveloped site's peak discharge rate for the one hundred-year return period.

4. Core requirement #4: Conveyance system. All engineered conveyance system elements for proposed projects shall be analyzed, designed and constructed to provide the minimum level of protection against overtopping, flooding, erosion and structural failure as specified by the conveyance requirements for new and existing systems and conveyance implementation requirements described in the Surface Water Design Manual.

5. Core requirement #5: Erosion and sediment plan. All proposed projects that will clear, grade, or otherwise disturb the site shall provide erosion and sediment control (ESC) that prevents, to the maximum extent ((~~possible~~)) practicable, the transport of sediment from the site to drainage facilities, water resources and adjacent properties. Erosion and sediment controls shall be applied in accordance with K.C.C. chapter 16.82 as specified by the temporary ESC measures and performance criteria and implementation requirements in the King County erosion and sediment control standards.

6. Core requirement #6: Maintenance and operation. Maintenance of all drainage facilities in compliance with King County maintenance standards is the responsibility of the applicant/property owner as described in the Surface Water Design Manual, except those facilities for which King County is granted an easement or covenant and assumes maintenance and operation as described in the Surface Water Design Manual.

7. Core requirement #7: Financial guarantees and liability. All drainage facilities constructed or modified for projects, except downspout infiltration and dispersion systems for single family residential lots, must comply with the liability requirements of K.C.C. 9.04.100 and the financial guarantee requirements of K.C.C. Title 27A.

8. Core requirement #8: Water quality. Proposed projects shall provide water quality treatment facilities to treat polluted surface and storm water runoff generated by ((~~the addition and/or replacement of~~)) five thousand square feet or more of new or replaced pollution-generating impervious surface, as specified in the Surface Water Design Manual, or ((~~one acre~~)) thirty-five thousand square feet or more of ((~~pollutant~~)) pollution generating pervious surface; however, pervious surfaces are specifically excluded if there is a good faith agreement with the King Conservation District to implement a farm management plan for agricultural uses, and pervious areas for other uses are specifically excluded if King County department of development and environmental services approves a landscape management plan that controls pesticides and fertilizers leaving the site. These facilities shall meet the area-specific water quality treatment requirements and the water quality implementation requirements applicable to the project site as specified in the Surface Water Design Manual. At a minimum, the facilities shall reduce pollutant loads by

meeting the applicable annual average performance goals listed below for ninety-five percent of the annual average runoff volume:

a. basic water quality: remove eighty percent of the total suspended solids;

b. sensitive lake protection: remove fifty percent of the total phosphorus;

c. resource stream protection: remove fifty percent of the total zinc;

d. sphagnum bog protection: remove fifty percent of the total phosphorus and forty percent of the total nitrate plus nitrite. The discharge shall maintain a pH of less than 6.5 and an alkalinity of less than ten milligrams per liter.

B. Special Requirements. Every proposed project required by K.C.C. 9.04.030 to have drainage review shall meet any of the following special requirements which apply to the site and which are described in detail in the Surface Water Design Manual. The department of development and environmental services shall verify if a proposed project is subject to and meets any of the special requirements.

1. Special Requirement #1: Other adopted area-specific requirements. If a proposed project is in a designated critical drainage area, or is in an area included in an adopted master drainage plan, basin plan, lake management plan or shared facility plan, then the proposed project shall meet the applicable drainage requirements of the critical drainage area, master drainage plan, basin plan, lake management plan or shared facility plan.

2. Special Requirement #2: Floodplain/floodway delineation. If a proposed project contains or is adjacent to a stream, lake, wetland or closed depression, or if other King County regulations require study of flood hazards, then the one hundred year

floodplain boundaries (and floodway if available or if improvements are proposed within the one hundred year floodplain), based on an approved flood hazard study as described in the Surface Water Design Manual, shall be delineated on the site improvement plans and profiles, and on any final subdivision maps prepared for the proposed project.

3. Special Requirement #3: Flood protection facilities. If a proposed project contains or is adjacent to a Class 1 or 2 stream that has an existing flood protection facility (such as levees, revetments and berms), or proposes to construct a new, or modify an existing, flood protection facility, then the flood protection facilities shall be analyzed and/or designed as specified in the Surface Water Design Manual to conform with the Federal Emergency Management Administration regulations (44 CFR).

4. Special Requirement #4: Source Control. If a proposed project requires a commercial building or commercial site development permit, then water quality source controls shall be applied to prevent rainfall and runoff from coming into contact with pollutants to the maximum extent ((~~possible~~)) practicable. Water quality source controls shall be applied in accordance with K.C.C. chapter 9.12 and the King County stormwater pollution control manual. All structural source controls shall be identified on the site improvement plans and profiles or final maps prepared for the proposed project.

5. Special Requirement #5: Oil control. If a proposed project is a high-use site or is a redevelopment project proposing $100,000 or more of improvements to an existing high-use site, then oil control shall be applied to all runoff from the high-use portion of the site as specified in the Surface Water Design Manual.

C. Adjustment.

1. An adjustment to the requirements contained in this section and/or other requirements in the Surface Water Design Manual may be proposed provided that the resulting development shall be subject to all of the remaining terms and conditions of this chapter and provided that granting the ((~~variance~~)) adjustment shall:

a. produce a compensating or comparable result in the public interest, and

b. meet this chapter's objectives of safety, function, appearance, environmental protection and maintainability based upon sound engineering judgment.

2. If meeting the provisions of K.C.C. 9.04.050C.1.a will deny reasonable use of a property, the best practicable alternative shall be obtained as determined by the director of the department of development and environmental services according to the adjustment process defined in the Surface Water Design Manual.

3. Requests for adjustments which may be in conflict with the requirements of any other King County division shall require review and concurrence with that division.

4. Requests for adjustments shall be processed in accordance with procedures specified in the Surface Water Design Manual. (Note that the adjustment concept has been termed "variance" in earlier editions of the Surface Water Design Manual).

5. The county may require monitoring of experimental designs and technology or untested applications proposed by the applicant in order to determine compliance with K.C.C. 9.04.050C.1 and the approved plans and conditions.

6. The applicant may appeal an adjustment decision by following the appeal procedures as specified in the Surface Water Design Manual. (Ord. 13191 § 4, 1998: Ord. 12822 § 1, 1997: Ord. 12020 § 38, 1995: Ord. 12001 § 1, 1995: Ord. 11615 § 5, 1994:

Ord. 10570 § 1, 1992: Ord. 9163 § 5, 1989: Ord. 7817 § 2, 1986: Ord. 4938 § 5, 1980: Ord. 2812 § 3, 1976: Ord. 2281 § 5, 1975).

NEW SECTION. SECTION 4. There is hereby added to K.C.C 9.04 a new section to read as follows:

Effective impervious surface limit.. On rural residential zoned parcels, no more than ten percent effective impervious surface shall be allowed as follows:

A. Effective impervious surface shall be calculated as that portion of the actual impervious surface from which runoff is not fully dispersed using the dispersion Best Management Practices in the Surface Water Design Manual (SWDM) or is not fully infiltrated according to the infiltration standards in the SWDM or is not managed in an alternative way approved by the department that effectively mitigates all of the following downstream hydrologic effects of the impervious surface: increased runoff peaks, frequencies, volumes, and flashiness, and decreased groundwater recharge.

B. For impervious surface to qualify as having fully dispersed runoff, the following conditions must be met:

1. the runoff from the impervious surface must be dispersed as specified in the SWDM through at least one hundred feet of native vegetated surface on a slope of fifteen percent or less prior to leaving the site or entering an existing onsite drainage feature (e.g. pipe, ditch, stream, river, pond, lake, or wetland);

2. the amount of impervious surface being fully dispersed shall not exceed fifteen percent of the area of native vegetated surface on the site excluding areas of native

vegetated surface occupied by and within fifty feet of a septic drainfield and drainfield reserve area;

3. the dispersion of runoff shall not create erosion or flooding impacts as determined by the department; and

C. For the purposes of the above calculation of effective impervious surface, the area of actual impervious surface may be adjusted to exclude county-standard grassed modular grid pavement and other pervious-like surfaces, such as playfields, in accordance with the SWDM.

SECTION 5. Ordinance 7590, Section 1, as amended, and K.C.C. 9.08.010 are each hereby amended to read as follows:

9.08.010 Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

A. "Basin plan" means a plan and all implementing regulations and procedures including but not limited to capital projects, public education activities, land use management regulations adopted by ordinance for managing surface and storm water management facilities and features within individual subbasins.

B. "County" means King County.

C. "Department" means the department of natural resources and parks or its successor agency.

D. "Developed parcel" means any parcel altered from the natural state by the construction, creation or addition of impervious surfaces.

E. "Director" means the director of the department of natural resources and parks or its successor agency or the director's designee.

F. "Division" means the department of natural resources and parks, water and land resources division or its successor agency.

G. "Drainage facility" has the same meaning as in K.C.C. 9.04.020L..

H. "Effective impervious area" means the portion of actual impervious area that is connected, or has the effect of being connected as defined in the King County Surface Water Design Manual, directly to the storm water drainage system via surface flow or discrete conveyances such as pipes, gutters or ditches.

((~~H.~~)) I. "Flow control facility" ((~~means a drainage facility designed to mitigate the impacts of increased surface and storm water runoff generated by site development in accordance with the drainage requirements in this chapter. A flow control facility is designed either to hold water for a considerable length of time and then release it by any combination of evaporation, plant transpiration or infiltration into the ground or to hold runoff for a short period of time and then release it to the conveyance system~~)) has the same meaning as in K.C.C. 9.04.020Q.

((~~I.~~)) J. "Lake management plan" means the plan, and supporting documents as appropriate, describing the lake management recommendations and requirements which has been formally adopted by rule under the procedures specified in K.C.C. chapter 2.98. Adopted lake management plans are available from the division and the department of development and environmental services. A synopsis of adopted lake management plans

will be distributed to all Surface Water Design Manual subscribers as part of the manual's routine update process.

((~~J. "Drainage facility" means the system of collecting, conveying, and storing surface and storm water runoff. Drainage facilities shall include but not be limited to all surface and storm water conveyance and containment facilities including streams, pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration facilities, flow control facilities, erosion/sedimentation control facilities and other drainage structures and appurtenances, both natural and constructed.~~))

K. "Impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas which are paved, graveled or made of packed or oiled earthen materials or other surfaces which similarly impede the natural infiltration of surface and storm water. Open, uncovered flow control facilities <u>and water quality treatment facilities</u> shall not be considered as impervious surfaces for the purpose of this chapter.

L. "Land use code" means restrictions on the type of development for a specific parcel of land as identified by records maintained by the King County department of assessments as modified or supplemented by information resulting from investigation by the

division. Land use codes are preliminary indicators of the extent of impervious surface and are used in the initial analysis to assign an appropriate rate category for a specific parcel.

M. "Maintenance" means the act or process of cleaning, repairing or preserving a system, unit, facility, structure or piece of equipment.

N. "Natural surface water drainage system" means such landscape features as rivers, streams, lakes and wetlands. This system circulates water in a complex hydrological cycle.

O. "Open space" means any parcel, property or portion thereof classified for current use taxation under K.C.C. chapter 20.36 and chapter 84.34 RCW, or for which the development rights have been sold to King County under K.C.C. chapter 26.04. This definition includes lands which have been classified as open space, agricultural or timber lands under criteria contained in K.C.C. chapter 20.36 and chapter 84.34 RCW.

P. "Parcel" means the smallest separately segregated unit or plot of land having an identified owner, boundaries and surface area which is documented for property tax purposes and given a tax lot number by the King County assessor.

Q. "Person" means any individual, firm, company, association, corporation or governmental agency.

R. "Program" means the surface water management program as set forth in this chapter.

S. "Rate category" means the classification in this chapter given to a parcel in the service area based upon the type of land use on the parcel and the percentage of impervious surface area contained on the parcel.

T. "Residence" means a building or structure or portion thereof, designed for and used to provide a place of abode for human beings. The term residence includes the term "residential" or "residential unit" as referring to the type of or intended use of a building or structure.

U. "Residential parcel" means any parcel which contains no more than three residences or three residential units which are within a single structure and is used primarily for residential purposes.

V. "Service area" means unincorporated King County.

W. "Storm water plan" means a King County ordinance specifying the storm water control facilities that will be funded by a bond issue.

X. "Subbasin" means a drainage area that drains to a water course or water body named and noted on common maps and that is contained within a basin as defined in K.C.C. 9.04.020.

Y. "Surface and storm water management services" means the services provided by the surface water management program, including but not limited to basin planning, facilities maintenance, regulation, financial administration, public involvement, drainage investigation and enforcement, aquatic resource restoration, surface and storm water quality and environmental monitoring, natural surface water drainage system planning, intergovernmental relations and facility design and construction.

Z. "Surface water management fee protocols" or "SWM fee protocols" means the surface water management fee standards and procedures that have been formally adopted by rule under the procedures specified in K.C.C. chapter 2.98. The SWM fee protocols are

available from the department of natural resources and parks, water and land resources division or their successor agencies.

AA. "Surface and storm water" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water.

BB. "Surface and storm water management system" means constructed drainage facilities and any natural surface water drainage features that do any combination of collection, storing, controlling, treating or conveying surface and storm water.

CC. "Undeveloped parcel" means any parcel which has not been altered from its natural state by the construction, creation or addition of impervious surface.

DD. "Water quality treatment facility" means a drainage facility designed to reduce pollutants once they are already contained in surface and storm water runoff. Water quality treatment facilities are the structural component of best management practices. When used singly or in combination, water quality treatment facilities reduce the potential for contamination of either surface or ground waters, or both. (Ord. 14261 § 1, 2001: Ord. 14199 § 132, 2001: Ord. 13695 § 1, 1999: Ord. 11522 § 1, 1994: Ord. 11015 § 1, 1993: Ord. 10187 § 1, 1991: Ord. 7817 § 2, 1986: Ord. 7590 § 1, 1986).

SECTION 6. Ordinance 7590, Section 7, as amended, and K.C.C. 9.08.060 are each hereby amended to read as follows:

9.08.060 Policy. A. It is the finding of the county that the majority of the basins in the service area are shared with incorporated cities and towns. In order to achieve a comprehensive approach to surface and storm water management the county and

incorporated jurisdictions within a specific basin should coordinate surface and storm water, management services. In addition, the program may contract for services with interested municipalities or special districts including but not limited to sewer and water districts, school districts, port districts or other governmental agencies.

B. It is the finding of the county that many of the difficulties found in the management of surface and storm water problems are contributed to by the general lack of public knowledge about the relationship between human actions and surface and storm water management. In order to achieve a comprehensive approach to surface and storm water management the county should provide general information to the public about land use and human activities which impact surface and storm water management. Pursuant to RCW 36.89.085, it is the finding of the county that public school districts can provide significant benefits to the county regarding surface and storm water management through educational programs and community activities related to protection and enhancement of the surface and storm water management system. These programs and activities can provide students with an understanding of human activities and land use practices that create surface and storm water problems and involve students by learning from first hand exposure, the difficulties of resolving surface and storm water management problems after they occur.

C. It is the finding of the county that technical assistance and community education have been shown to be a cost-effective means of improving the management of the impacts of surface and storm water runoff. Technical assistance and community education regarding stewardship enables King County, its residents and businesses to comply with federal, state and local mandates and enables the county to protect its quality of life and its natural

resources. The promotion of stewardship is an integral part of a comprehensive surface and storm water management program.

D. It is the finding of the county that developed parcels contribute to an increase in surface and storm water runoff to the surface and storm water management system. This increase in surface and storm water runoff results in the need to establish rates and charges to finance the county's activities in surface and storm water management. Developed parcels shall be subject to the rates and charges of the surface water management program based on their contribution to increased runoff. The factors to be used to determine the degree of increased surface and storm water runoff to the surface and storm water management system from a particular parcel shall be the percentage of impervious surface coverage on the parcel, the total acreage of the parcel and any mitigating factors as determined by King County.

E. It is the finding of the county that undeveloped parcels do not contribute as much as developed parcels to an increase in surface and storm water runoff into the surface and storm water management system. Undeveloped properties shall be exempt from the rates and charges of the surface water management program.

F. It is the finding of the county that maintained drainage facilities mitigate the increased runoff contribution of developed parcels by providing on-site drainage control. Parcels served by flow control facilities ((~~which~~)) that were required for development of the parcel pursuant to K.C.C. chapter 9.04 and approved by King County or can be demonstrated as required in K.C.C. 9.08.080 by the property owner to provide flow control of surface and storm water to the standards in K.C.C. chapter 9.04 shall receive a discount as provided in

the rates and charges of the surface water management program, if the flow control facility is maintained at the parcel owner's expense to the standard established by the department.

G. It is the finding of the county that improvements to the quality of storm water runoff can decrease the impact of that runoff on the environment. Parcels served by water quality treatment facilities that were required for development of the parcel pursuant to K.C.C. chapter 9.04 and approved by King County or that can be demonstrated as required in K.C.C. 9.08.080 by the property owner to provide treatment of surface and storm water to the standards in K.C.C. chapter 9.04 shall receive a discount as provided in the rates and charges of the surface water management program, if the facility is maintained at the parcel owner's expense to the standard established by the department.

H. It is the finding of the county that parcels with at least sixty-five percent of their land in forest, no more than twenty percent in impervious surface, and dispersed runoff from the impervious surface through the forested land resulting in an effective impervious area of ten percent or less for the entire parcel, do not contribute as much to an increase in surface and storm water runoff as properties with less forest that do not disperse. These properties shall be eligible to receive a discount as provided in the rates and charges of the surface water management program if the runoff from the impervious surface is dispersed in accordance with the standards established by the department.

I. It is the finding of the county that parcels which make use of their pervious surface area to absorb storm water runoff from the impervious surfaces do not contribute as much to an increase in surface and storm water runoff as properties that do not use their pervious area to absorb runoff. These properties shall be eligible to receive a discount as provided in the

rates and charges of the surface water management program if the runoff from the impervious surface is dispersed in accordance with the standards established by the department.

J. It is a finding of the county that open space properties provide a benefit to the surface and storm water management system by the retention of property in an undeveloped state. Open space properties shall receive a discount from the rates and charges to encourage the retention of property as open space.

K. It is a finding of the county that current scientific studies demonstrate that conservation and maintenance of forestland and open space contribute to the proper management of surface water quality and quantity. The scientific analysis performed in connection with the Cedar river, Issaquah creek and Bear creek basin plans have demonstrated that forests intercept and evaporate more rainfall, provide more soil storage, retain and trap more sediments and purify contaminated water better than any other land use. Conservation and maintenance of public forests, the provision of technical assistance and encouragement to private landowners to retain forests are effective ways to prevent disruption of natural hydrology. Open Space lands, to the extent that they retain their natural condition and do not contain impervious surface, also perform an important surface water function by not detracting from the functioning of natural hydrology systems. Conservation and maintenance of publicly owned open space and forestland is often more cost-effective than building and maintain artificial or engineered surface and storm water management ((~~facilities~~)) facilities. Additional financial resources are required to conserve and maintain

those natural resource lands that serve important surface and storm water management functions.

L. It is a finding of the county that the majority of the parcels in the service area are residential. The variance between residential parcels in impervious surface coverage is found to be minor and to reflect only minor differences in increased runoff contributions. The administrative cost of calculating the service charge individually for each residential parcel and maintaining accurate information would be very high. A flat charge for residential parcels is less costly to administer than calculating a separate charge for each parcel and is equitable because of the similarities in impervious surface coverage between residential parcels. Therefore, residential parcels shall be charged a flat charge based upon an average amount of impervious surface.

M. It is a finding of the county that very lightly developed nonresidential parcels which have an impervious surface coverage of ten percent or less of the total parcel acreage are characterized by a very low intensity of development and generally a large number of acres. A greater number of acres of undeveloped land associated with an impervious surface results in significantly less impact to the surface and storm water management system. Many of the very lightly developed properties are recreational, agricultural and timber lands identified in the King County comprehensive plan and should be encouraged to retain their low intensity of development. These parcels shall be charged a flat rate which will encourage the retention of large areas of very lightly developed land.

N. It is the finding of the county that lightly to very heavily developed nonresidential parcels which have an impervious surface coverage of more than ten percent have a

substantial impact on the surface and storm water management system. The impact of these parcels on the surface and storm water management system increases with the size of the parcels. Therefore, lightly to very heavily developed properties shall be charged a rate determined by the percent of impervious surface coverage multiplied by the parcel acreage.

O. It is a finding of the county that county and state roads contribute a significant amount of increased runoff to the surface and storm water management system, which contributes to the need for basin planning, drainage facilities and other related services. However, both the county roads and state highway programs provide substantial annual programs for the construction and maintenance of drainage facilities, and the roads systems and their associated drainage facilities serve as an integral part of the surface and storm water management system. The rate charged county roads and state highways shall reflect the benefit which county roads and state highway facilities provide to the surface and storm water management system. County and state road drainage systems unlike the drainage systems on other properties are continually being upgraded to increase both conveyance capacity and control. It is envisioned that the roads program will work cooperatively with the surface water management program to improve regional surface and storm water management services as new information is available from basin plans and other sources. The percentage of impervious surface coverage for county roads and state highways shall be calculated by dividing average width of roadway and shoulder by the average width of the right of way. The service charge shall be calculated in accordance with RCW 90.03.525.

P. It is the finding of the county that comprehensive management of surface and storm water runoff must include anticipation of future growth and development in the design

and improvement of the surface and storm water management system. Service charge revenue needs shall be based upon the present and future requirements of the surface and storm water management system, and these needs shall be considered when determining the rates and charges of the program.

Q. It is the finding of the county that basin plans are essential to establishing a comprehensive approach to a capital improvement program, maintenance of facilities and regulation of new developments. A plan should analyze the measures needed to control surface and storm water runoff which results from existing and anticipated development within the basin. The measures investigated to control runoff should include land use regulation such as setback requirements or community plan revisions which revise land use densities as well as the use of drainage facilities. A plan also should recommend the quantity and water quality runoff control measures required to further the purposes set forth in K.C.C. 9.08.040, and community goals. The institutional requirements and regulations, including but not limited to land use management, funding needs, and incentives for preserving the natural surface water drainage system should be identified in the plan. The proposed ordinances and regulations necessary to implement the plan shall be transmitted to the council simultaneously with the plan.

R. It is a finding of the county that the federal government has increased requirements concerning surface water quantity and control. The federal Clean Water Act, implemented through municipal storm water NPDES permits, mandates a wide variety of local programs to manage surface water and improve water quality. Compliance will increasingly be measured by the effectiveness of King County's surface water and water

quality programs. The NPDES permit impacts operations in the roads, solid waste, transit and parks divisions, the airport and the department of development and environmental services, and most activities in the water and land resources division.

S. It is a finding of the county that Chinook salmon were listed as a threatened species in March 1999, and bull trout were listed as a threatened species in November 1999, under the federal Endangered Species Act. These listings focus the need for higher standards in managing surface water including new, expanded and more intensive programs to control the quantity of runoff as well as its quality. Programs responding to these imperatives have included the design, permitting and construction of facilities, facility retrofitting and maintenance, ((~~habaitat~~)) habitat acquisition and restoration, monitoring, regulation development and coordination with other agencies on transboundary issues.

T. It is the finding of the county that areas with development related surface and storm water problems require comprehensive management of surface and storm water.

U. It is the finding of the county that additional surface and storm water runoff problems may be caused by new land use development if not properly mitigated both through protection of natural systems and through constructed improvements. The Surface Water Design Manual and K.C.C Titles 9, 16, 20 and 21A have been adopted by King County to mitigate the impact of land use development. Further mitigation of these impacts is based on expertise which continues to evolve as new information on our natural systems is obtained and new techniques are discovered. The surface water management program, through reconnaissance studies, basin plans, and other special studies, will continuously provide valuable information on the existing problems and areas of the natural drainage

system that need special protection. The county is researching and developing methods to protect the natural drainage system through zoning, buffering and setbacks to alleviate existing problems. Setback and buffering measures allow natural preservation of wetlands and stream corridors to occur, alleviate erosion and water pollution and provide a safe environment for the small mammals and fish which inhabit sensitive areas. Based upon the findings in this subsection, and as information and methods become available, the executive, as appropriate shall draft and submit to the council, regulations and development standards to allow protection of the surface and storm water management system including natural drainage systems.

V. It is the finding of the county that the unique stormwater needs of the unincorporated rural area of the county require that the county's surface water management program established under chapter 36.89 RCW develop a rural drainage program. The intent of this rural drainage program is to provide a means through which existing and emerging surface water problems in the rural areas can be addressed in a manner that preserves both rural resources and rural activities including agriculture and forestry. Rural drainage services provided by the division shall support a rural level of development and not facilitate urbanization. This rural drainage program shall result in a program consistent with Countywide Planning Policies and King County Comprehensive Plan policies.

W. The program will maintain long term fiscal viability and fund solvency for all of its related funds. All required capital and operating expenditures will be covered by service charges and other revenues generated or garnered by the program. The program will pay all current operating expenses from current revenues and will maintain an operating reserve to

minimize service impacts due to revenue or expenditure variances from plan during a fiscal year. This reserve will be calculated based on the historic variability of revenue and expenditures. The program will adopt a strategic financial planning approach which recognizes the dynamic nature of the program's fiscal operating environment. Long term projections will be updated in the program's adopted strategic plan. One-time revenues will be dedicated to one-time-only expenditures and will not be used to support ongoing requirements. The program's approach to financial reporting and disclosure will be comprehensive, open and accessible.

X. The program shall prepare an annual, multiyear capital improvement program which encompasses all of the program's activities related to the acquisition, construction, replacement, or renovation of capital facilities or equipment. All proposed new facilities will be subject to a consistent and rigorous needs analysis. The program's capital facilities will be planned and financed to ensure that the benefits of the facilities and the costs for them are balanced over time.

Y. The program will manage its debt to ensure continued high credit quality, access to credit markets, and financial flexibility. All of the program's debt management activities will be conducted to maintain at least the current credit ratings assigned to the county's debt by the major credit rating agencies and to maintain an adequate debt service coverage ratio. Long term debt will not be used to support operating expenses. The program will develop and maintain a central system for all debt-related records which will include all official statements, bid documents, ordinances indentures, leases, etc., for all of the program's debt and will accurately account for all interested earnings in debt-related funds. These records

will be designed to ensure that the program is in compliance with all debt covenants and with state and federal laws. (Ord. 14261 § 2, 2001: Ord. 13695 § 4, 1999: Ord. 11015 § 4, 1993: Ord. 10187 § 6, 1991: Ord. 7817 § 2, 1986: Ord. 7590 § 7, 1986).

SECTION 7. Ordinance 10636, Section 3, as amended, and K.C.C. 9.12.015 are each hereby amended to read as follows:

9.12.015 Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

A. "AKART" means an acronym for "all known, available, and reasonable methods of prevention, control, and treatment." AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.

B. "Best management practices" or "BMPs" mean the best available and reasonable physical, structural, managerial, or behavioral activities, that when used singly or in combination, eliminate or reduce the contamination of surface and/or ground waters.

C. "Chapter" means this chapter and any administrative rules and regulations adopted to implement this chapter.

D. "Clean Water Act" means 33 U.S.C. 1251 et. seq., as amended.

E. "County" means the municipality of King County.

F. "Director" means the director of the King County department of natural resources and parks, other department directors specified in enforcement procedures established pursuant to this chapter, or any duly authorized representatives of such directors.

G. "Discharge" means to throw, drain, release, dump, spill, empty, emit, or pour forth any matter or to cause or allow matter to flow, run, or seep from land or be thrown, drained, released, dumped, spilled, emptied, emitted or poured into water.

H. "Drainage facility" ((~~means the system that collects, conveys, and stores surface and storm water runoff. Drainage facilities shall include but not be limited to all surface and storm water conveyance and containment facilities including streams, pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities and other drainage structures and appurtenances, both natural and artificial~~)) has the same meaning as in K.C.C. 9.04.020L.

I. "Farm management plan" means a comprehensive site-specific plan developed by the farm owner in cooperation with the King County Conservation District taking into consideration the land owners objectives while protecting water quality and related natural resources.

J. "Forest practices" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, as defined in Chapter 222-16 Washington Administrative Code.

K. "Ground water" means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.

L. "National Pollutant Discharge Elimination System" or "NPDES" means the national program for controlling pollutants from point source discharges directly into waters of the United States under the Clean Water Act.

M. "National Pollutant Discharge Elimination System permit" means an authorization, license, or equivalent control document issued by the Environmental Protection Agency or the Washington State Department of Ecology to implement the requirements of the NPDES program.

N. "Person" means an individual, their agents or assigns; municipality; political subdivision; government agency; partnership; corporation; business; or any other entity.

O. "Source control BMP" means a BMP intended to prevent contaminants from entering surface and storm water and/or ground water including the modification of processes to eliminate the production or use of contaminants. Source control BMPs can be either structural or nonstructural. Structural source control BMPs involve the construction of a physical structure on site, or other type of physical modification to a site; for example, building a covered storage area. A non-structural source control BMP involves the modification or addition of managerial or behavioral practices; for example, using less toxic alternatives to current products or sweeping parking lots.

P. "State Waste Discharge Permit" means an authorization, license, or equivalent control document issued by the Washington State Department of Ecology in accordance with Chapter 173-216 Washington Administrative Code.

Q. "Storm Water BMP Manual" or "manual" means the manual (and supporting documents as appropriate) describing best management practices, design, maintenance, procedures, and guidance which has been approved by the King County council.

R. "Surface and storm water" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water.

S. "Treatment BMP" means a BMP intended to remove contaminants once they are already contained in storm water. Examples of treatment BMPs include: oil/water separators, biofiltration swales, and wet-settling basins. (Ord. 14199 § 134, 2001: Ord. 11624 § 5, 1994: Ord. 10636 § 3, 1992)